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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/753,244

01/08/2004

Peter J. Fellingham

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7590

10/18/2006

Mark G. Bocchetti  
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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT

PAPER NUMBER

3749

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/753,244	<b>Applicant(s)</b> FELLINGHAM ET AL.	
	<b>Examiner</b> Stephen Gravini	<b>Art Unit</b> 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-6,8,9,11-16 and 18-29 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-6 8-9 11-16 18-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Preliminary matter***

Examiner's immediate supervisor had instructed examination such that claims must not rely on imported description/specification in an internal Office electronic mail messages to the examiner dated August 8, 2006 and August 2, 2006. Claims must contain all specification discussion as clarified by the supervisor. Furthermore, language such as "operatively associated," "being operable to," or "spaced apart from" is to be interpreted as desired result and ordered examination such that the invention should be claimed as means or step plus function format, based on an internal Office electronic mail message dated July 10, 2006. The rejections to follow are based on mandated policies by the supervisor, with contact information at the end of this action.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

Claims 1-6, 8-9, 11-13, 16, and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wafler (US 6,048,059).

Claim 19 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jacobo et al. (US 4,260,648).

Claim 20, 22-25 and 27-28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Suzuki et al. (US 4,816,912).

***Claim Rejections - 35 USC § 103***

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wafler in view of Hudson (US 3,158,509). Wafler is considered to clearly anticipate the claimed invention, except for the claimed heat insulating component and platen.

Hudson, another drying system, is considered to disclose a heat insulating component and platen at column 5 lines 3-72. It would have been obvious to one skilled in the art to combine the teachings of Wafler with the heat insulating component and platen, considered disclosed by Hudson, for the purpose of providing a structural and heat transfer surface for further processing of media.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki. Suzuki is considered to clearly anticipate the claimed invention, except for the claimed ratio. It would have been an obvious matter of design choice to one skilled in the art to provide a specific ratio, since the prior art performs the invention as claimed regardless of a length to thickness ratio.

Claim 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki. Suzuki is considered to clearly anticipate the claimed invention, except for the claimed ratio or plural extensions. It would have been an obvious matter of design choice to one skilled in the art to provide a specific ratio or plural extensions, since the prior art performs the invention as claimed regardless of a length to thickness ratio or number of extensions.

### ***Response to Arguments***

Applicant's arguments filed August 24, 2006 have been fully considered but they are moot in part based on new grounds of rejection.

### ***Anticipation***

Current Office practice permits a clearly anticipated rejection under an action form paragraph in MPEP section 706.02(i). When a reference shows all the claimed elements on the face, a clearly anticipated rejection is used. Current Office practice guides examination such that the claims are broadly and reasonably construed in light of the accompanying specification.

In the first anticipatory rejection, the claimed media support surface is seen in any one of reference characters **12, 14, 30, 32, 48, or 60** supporting the abstract disclosed recording medium. The claimed heater, also discussed in the abstract as a preheater, is discussed as heat conducting a media because a print zone allows heat to be conducted as the media is moved through the abstract disclosed device. Also the claimed curved shape, location, extension, position, spacer, and integral formation can also be seen from the face of that reference. Under current Office practice, applicants arguments regarding patentability based on spaced apart positions and operative association does not overcome the rejection because the claims show each of the claimed structure elements. The first anticipatory rejection is considered proper and maintained.

In the second anticipatory rejection, the claimed media support surface is seen in any one of reference characters **12, 14, 16, 40, 44, 46, 52, 84, or 86** supporting the

abstract disclosed photographic element media. The claimed heater, also discussed in the abstract as induction heating, is abstract disclosed as heat conducting a media because adjacent heat generation allows heat to be conducted as the media is moved through the abstract disclosed device. Also the claimed curved shape, location, extension, position, spacer, and integral formation can also be seen from the face of that reference. Under current Office practice, applicants arguments regarding patentability based on earlier argued induction heating is not persuasive because the claims show each of the claimed structure elements and since the media is in contact with heating surfaces, heating is by conduction as claimed. The second anticipatory rejection is considered proper and maintained.

In the third anticipatory rejection, the claimed media support surface is seen in any one of reference characters **16, 22, 24, 10, or 26** supporting the abstract disclosed recording medium. The claimed heater, also discussed in the abstract as laser beam photoconductive drum heating, is abstract disclosed as heat conducting a media because adjacent heat generation allows heat to be conducted as the media is moved through the abstract disclosed device. Also the claimed curved shape, location, extension, position, spacer, and integral formation can also be seen from the face of that reference. Applicant argues that claim 20 is patentable over Suzuki because that reference is "completely silent regarding details of a fixing device." Since that argued feature is claimed as "an extension to a surface of a support being contactable with the article," current Office practice guides examination such that the claimed feature can be seen on the face of the Suzuki reference because extension **22, 24, or 26** to a surface

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10 of a support being contactable with the article meets that claim limitation. The third anticipatory rejection is considered proper and maintained.

Although applicants opine that the repeated rejections are assumed to be non-final, each clearly anticipated rejection is fully discussed in response to applicants arguments.

*obviousness*

Applicants argue that since the anticipatory rejections have been addressed, then the obviousness rejections should be withdrawn. Each anticipatory rejection is believed proper and maintained such that each obviousness rejection is believed proper and maintained.

*double patenting*

The obviousness type double patenting rejection is withdrawn. Applicants are requested to submit all similar US applications claim the subject matter as the claims under examination.

**Conclusion**

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571 272 4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG  
October 13, 2006

